

THE DISABLED PERSONS (EMPLOYMENT) ACT, 1944

REGISTRATION

(Note : The schemes described in this leaflet are for the benefit of women, and boys and girls above school leaving age, as well as for men. The leaflet should be read in this sense).

Introduction

I. THE OBJECT of the Disabled Persons (Employment) Act, 1944, is to assist men and women who are handicapped by some form of disablement to get employment or work which is suitable for them and makes the best use of their skill. Experience has shown that the great majority of the disabled can take their place with others in the ordinary work of the country and with a careful choice of occupation can hold their own in normal competition with their fellows. The most important provisions of the Act are :—

(1) Courses of Vocational Training and Industrial Rehabilitation—designed especially for those who need to learn a new profession, trade, or occupation, or who require a special course to help their return to work after hospital treatment for injury or sickness.

(2) Assistance towards ordinary employment—through a requirement on employers to engage a proportion of disabled persons.

(3) Employment under special conditions—for the more severely disabled who are unable to stand up to the working conditions of competitive employment.

II. THIS LEAFLET deals only with (2) above ; information about (1) and (3) can be obtained at any Employment Exchange or other Local Office of the Ministry of Labour and National Service. There are various other schemes of interest to disabled people such as Reinstatement in Civil Employment and Grants to set up in business on their own account, (for those who have served in H.M. Forces), the provision of artificial limbs, etc. Information about these schemes can also be obtained from any of the Ministry's Local Offices.

Definition of Disablement

III. A **DISABLED** person under the Act is a person who "on account of injury, disease or congenital deformity is substantially handicapped" in getting or keeping suitable employment or work. This means that the Act covers disablements from all causes—whether through war service of any kind, through industrial, road or other accident, or arising at birth. It means also that disablement due to disease is recognised equally with one arising from wounds or injury and that a disablement which does not qualify for a war disability pension is also covered. The receipt of a war disability pension (except from the 1914-18 war) does not of itself constitute a disablement within the meaning of the Act; the test in every case is whether there is a substantial handicap to employment or work which would otherwise be suitable.

The D.R.O. Service

IV. AT EVERY Local Office of the Ministry of Labour there is a Disablement Rehabilitation Officer (the D.R.O.) whose special duty it is to advise disabled men and women and to help them to get suitable employment. The D.R.O. is in touch with all hospitals in his area and visits the patients; any disabled patient who is worried about his future and wishes to have a talk with the D.R.O. should tell the Hospital authorities who will arrange a visit. A disabled person may call at any time at a Local Office and ask for a private interview with the D.R.O. For those under 18 the interview will be at the Juvenile Employment Office. For those over 18 seeking advice about professional or executive work, arrangements will be made for an interview at the nearest Appointments Office.

The Quota Scheme

V. THE ACT requires every employer with 20 or more workers to employ a certain number or quota of persons who have been "registered" as explained later in this leaflet. The "quota" for each employer is a percentage of the total number of his employees. In this way employers who are engaging workers will be required to consider specially the claims of disabled people who are suitable for the work they have to offer. An employer who is below his quota will have to get a permit from the Minister for the engagement of a person who is not "registered" as disabled unless that person is a former employee who is entitled to reinstatement as described in the Act. A permit will not be issued to an employer who is below his quota if there is a "registered" disabled person suitable for the job and willing to take it. An employer will not be required to engage a particular worker who is "registered" as disabled just because he has a quota vacancy; nor is a disabled person required under the Quota Scheme to accept any particular offer of employment. Further, an employer may not discharge a "registered" disabled person "WITHOUT REASONABLE CAUSE" if he is below his quota or if the discharge would bring him below it.

Designated Employments

VI. THE ACT also gives the Minister power to "designate" certain classes of employment for the special benefit of disabled persons who are "registered". As soon as any employment is designated an employer may not engage a person who is NOT registered as disabled without a permit from the Minister, unless that person is a former employee who is entitled to reinstatement as described in the Act. A permit for a designated employment will not be issued if there is a "registered" disabled person who is suitable for the job and is willing to take it. This will give to disabled persons who are registered a claim to special consideration whenever vacancies occur in employments which are designated.

Registration

VII. THE TWO schemes described in V and VI above are designed to help disabled persons to get employment as vacancies occur. For this purpose it is necessary to identify those who will qualify and the Act provides for this to be done through a special system of Registration. A disabled person who is registered will be given a certificate which he will be able to produce to an employer. A disablement however serious will not qualify under the schemes unless the person has been registered, because the Act imposes no obligation on an employer towards persons who are not registered. IT IS THEREFORE TO THE ADVANTAGE OF EVERY MAN OR WOMAN WHO IS HANDICAPPED BY DISABLEMENT OF SOME KIND TO APPLY FOR REGISTRATION AS SOON AS POSSIBLE.

VIII. DISABLED PERSONS WHO ARE IN EMPLOYMENT CAN APPLY EQUALLY WITH THOSE WHO ARE SEEKING EMPLOYMENT. An employer will wish to know how many of his employees are registered so that he can ascertain his quota position and carry out his obligations when he is engaging workers either under the Quota or in Designated Employments.

IX. THE OBLIGATION ON EMPLOYERS under the two schemes described in V and VI above will be introduced as soon as possible. The dates will be announced in the newspapers, through broadcasts, and by means of posters. Leaflets for the information of employers will also be issued.

Application for Registration

X. APPLICATION for Registration may be made at any Local Office. It should be made by the disabled person himself but in exceptional cases it may be made by someone on his behalf. In the case of persons under the age of 18, application should be made at a Juvenile Employment Office and wherever possible the applicant should be accompanied by a parent or guardian.

Conditions for Registration

XI. THE MAIN conditions for Registration are :—

- (1) The applicant must show that he is disabled within the definition in III above, viz. that he is substantially handicapped in getting or keeping suitable employment or work ;
- (2) the disablement must be one that is likely to last for at least six months after registration.

XII. FOR AN EX-SERVICE MAN WHO IS STILL RECEIVING A DISABLEMENT PENSION FROM THE 1914-18 WAR CONDITIONS (1) AND (2) WILL BE REGARDED AS SATISFIED. HE MAY IF HE WISHES APPLY HIMSELF FOR REGISTRATION, BUT HIS EMPLOYER MAY APPLY DIRECT FOR HIS REGISTRATION. THE TERM "1914-18 DISABLEMENT PENSIONER" IS DEFINED IN THE ACT, AND THE DEFINITION IS REPRODUCED IN APPENDIX I.

XIII. OTHER conditions for Registration are that the applicant (i) is "ordinarily resident" IN GREAT BRITAIN, (ii) desires some form of remunerative employment or work on his own account IN GREAT BRITAIN, and (iii) has a reasonable prospect of obtaining and keeping such employment or work. The Minister proposes to treat as "Ordinarily resident in Great Britain" any person who is resident there at the time of the application and either has resided there for two years immediately before it, or intends to reside there permanently. PERSONS (OTHER THAN FOREIGN NATIONALS—SEE XXVI) WHO HAVE SERVED WHOLE-TIME IN H.M. FORCES OR IN THE MERCHANT NAVY OR IN SOME OF THE WOMEN'S SERVICES ARE NOT REQUIRED TO SATISFY THIS CONDITION OF RESIDENCE.

XIV. THE following persons are not eligible for registration :—

- (a) Children below statutory school-leaving age.
- (b) Whole-time patients in hospitals, sanatoria or similar institutions—save in very exceptional circumstances.
- (c) Persons who are of habitually bad character.

Medical Evidence of Disablement

XV. PROOF of the second condition in XI above will depend in many cases on medical evidence. Where the disablement is obvious, for example, limb injury or amputation, further medical evidence will not be required ; in others a medical report may already exist at the Local Office, for example, from the hospital where the applicant has recently been interviewed by the D.R.O. If the disablement is not obvious and there is not sufficient medical evidence to enable an application for registration to be decided, the applicant may

be asked to produce a medical certificate from his own doctor. He can get a special form for this purpose from the Local Office. If the medical evidence produced is not conclusive the applicant may be required to undergo an examination by a doctor appointed for the purpose.

XVI. AN APPLICANT, whether employed or unemployed, who is referred by the Ministry to a selected doctor for a report will not be called upon to pay any fee. The applicant will also be reimbursed for any loss of earnings suffered (within a limit of 21s. a day) through his attendance for the examination ; if he has to travel an appreciable distance his fares will be paid and he will receive a subsistence allowance based on the distance travelled.

Decision on Registration

XVII. WHERE the conditions are clearly satisfied the applicant will be registered by the Local Office as quickly as possible, but where there is any doubt the application will be referred to a Disablement Advisory Committee (or a Panel set up by the Committee) for a recommendation. The applicant will be invited to attend before the Committee (or Panel) and may be represented by a friend or a representative of his Trade Union or a Society catering for disabled persons. The hearing will be private unless the applicant agrees to his case being dealt with in public. NO APPLICATION WILL BE REJECTED WITHOUT REFERENCE TO A COMMITTEE (OR PANEL). The final decision rests with the Minister who is required by the Act to consider any recommendation from a Committee (or Panel).

XVIII. A COMMITTEE (or Panel) which is dealing with applications involving medical questions will have the advice of a doctor especially appointed by the Minister for this purpose. Medical certificates supplied by applicants and medical reports obtained by the Ministry will be referred, SUBJECT TO THE APPLICANT'S CONSENT, to the Committee (or Panel) for their confidential information.

Issue of Registration Certificate

XIX. A CERTIFICATE will be issued to every applicant who has been registered and his name will be entered on the register kept at the Local Office. The certificate is for the applicant's own use but his employer (or, if he is seeking employment, a prospective employer) has the right to ask for the certificate to be produced so that he can satisfy himself that the applicant is duly registered. The certificate is the property of the Minister and should be kept with great care ; the responsibility for its safety rests with the applicant, but it may be deposited at any time at a Local Office and a receipt for it will be issued. If a certificate is lost or badly damaged the Local Office should be informed so that a duplicate can be issued, if necessary.

Removal of Names from the Register

XX. THE NAME of a registered disabled person may be removed from the Register:—

(1) if he fails at any time to satisfy any of the conditions referred to in XI or XIII above or if he becomes disqualified under XIV above.

OR

(2) if he has “persistently and without reasonable cause” refused to undertake suitable employment or work on his own account,

OR

(3) if he has “without reasonable cause” refused to attend or complete a course of Vocational Training or Rehabilitation, which in the opinion of the Minister is suitable in his case.

XXI. NO NAME WILL BE REMOVED FROM THE REGISTER DURING THE CURRENCY OF REGISTRATION WITHOUT REFERENCE TO A DISABLEMENT ADVISORY COMMITTEE (OR A PANEL). The applicant will have an opportunity of appearing before the Committee (or Panel) and may bring with him a friend or a representative. The final decision rests with the Minister but the Minister is required to consider the recommendation made by a Committee (or Panel).

Period of Registration and Renewal

XXII. THE REGISTRATION of a “1914-18 disablement pensioner” will last, subject to the normal conditions, until his pension ceases. If his pension ceases he may apply for his registration to be renewed and in order to avoid any gap should make application within two months. In all other cases (including disablement pensioners from this war) the period of Registration will depend upon the nature of the disablement and other circumstances. The expiration date will be shown on the certificate. Registration may be renewed and in order to avoid any gap APPLICATION SHOULD BE MADE WITHIN TWO MONTHS BEFORE THE DATE OF EXPIRY. A reminder will be sent to every registered person in time to give him an opportunity of applying for renewal.

XXIII. A PERSON who is in employment when his registration lapses will continue to count as “registered” for so long as he remains with the same employer. But if he becomes unemployed, he will not then be a “registered” disabled person and therefore will lose the benefit of registration in seeking other employment.

Disablement Advisory Committees

XXIV. DISABLEMENT Advisory Committees have been set up throughout Great Britain. They are composed of an equal number of employers’ and workers’ representatives, together with a doctor

(or doctors) and other persons with a special knowledge of, or interest in, the problem of disablement. Registration questions will be dealt with as a rule by Panels of these Committees and there will be a doctor with each Panel. Any person whose application is referred to a Committee (or Panel) will be notified when and where the Committee (or Panel) intend to consider his case to give him an opportunity to attend, or to be represented at, the hearing. If he attends he will be reimbursed for any loss of earnings suffered (within a limit of 21s. a day) and may qualify for payment of fares and subsistence as already mentioned.

Preference for ex-Service Men and Women

XXV. THE ACT provides for preference in submissions to employment to be given to ex-Service men and women WHO ARE REGISTERED AS DISABLED. This means that if an employer notifies a Local Office of a vacancy for a registered disabled person and there are several applicants equally suitable for the job it will be the duty of the Local Office to submit FIRST the name of any ex-Service man or woman as the case may be. This preference applies to :—

- (1) men who have served whole-time in H.M. Forces or the Merchant Navy ; and
- (2) women who have served whole-time in any of the Services mentioned in Appendix II.

This preference is not limited to those who have served in this war ; service in the last war or at any other time will qualify, without regard to the date or cause of the disablement. Thus, an ex-Service man who becomes disabled after discharge from Service has the same right to preference as the ex-Service man who was disabled during Service.

Foreign Nationals

XXVI. FOREIGN NATIONALS WHO ARE IN GREAT BRITAIN FOR THE TIME BEING and who, since 1st September, 1939, have given 12 months' service in the British or Allied Armed Forces or Mercantile Marine or in work of national importance in Great Britain are eligible for registration. Foreign Nationals who have not completed such service may qualify exceptionally. THE ACCEPTANCE FOR REGISTRATION OF A FOREIGN NATIONAL DOES NOT IMPLY THAT ANY CONDITIONS TO WHICH HE MAY BE SUBJECT UNDER THE ALIENS ORDER HAVE BEEN WAIVED OR THAT HE WILL BE ALLOWED TO REMAIN PERMANENTLY IN GREAT BRITAIN.

Northern Ireland

XXVII. THE ACT does not apply to Northern Ireland, but the Government of Northern Ireland has passed a similar Act and both Acts will work together. Registration in either country will be accepted by the other.

APPENDIX I.

Definition of "1914-18 Disablement Pensioner"

The expression "1914-18 disablement pensioner" means a person in receipt of or entitled to receive :—

(a) under any Royal Warrant, Order in Council, Order or Scheme administered by the Minister of Pensions and relating to the retired pay or pensions of officers, seamen, marines, soldiers or airmen or other persons disabled within the meaning of that Warrant or other instrument in consequence of any war carried on as mentioned in section two of the War Pensions Act, 1920, retired pay or a pension in respect of his disablement within the meaning of that instrument, or an allowance granted to him in lieu of such retired pay or of such a pension by reason of his undergoing any special course of medical treatment or undergoing treatment in an institution or receiving training in a technical institution or otherwise ; or

(b) under any government war obligation within the meaning of the Government War Obligations Act, 1914 to 1919, any payment for compensation in respect of his having been injured on any merchant ship or fishing vessel.

APPENDIX II.

Women's Services

1. Member of Queen Alexandra's Royal Naval Nursing Service or any reserve thereof.
2. Member of the Women's Royal Naval Service.
3. Woman medical practitioner serving in the Royal Navy or any naval reserve.
4. Member of Queen Alexandra's Imperial Military Nursing Service or any reserve thereof.
5. Member of the Territorial Army Nursing Service or any reserve thereof.
6. Member of the Auxiliary Territorial Service.
7. Women employed with the Royal Army Medical Corps or the Army Dental Corps with relative rank as an officer.
8. Member of Princess Mary's Royal Air Force Nursing Service or any reserve thereof.
9. Member of the Women's Auxiliary Air Force.
10. Women employed with the Medical Branch or the Dental Branch of the Royal Air Force with relative rank as an officer.
11. Member of the Voluntary Aid Detachments employed under the Admiralty, Army Council or Air Council.



MINISTRY OF LABOUR
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